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OGC 9-1059

OGC HAS REVIEWED.

6 July 1959

MEMORANDUM FOR: Director of Personnel

SUBJECT: Separation Allowance for Maternity Reasons
at Posts where Inadequate Medical Facilities
Exist

On the information submitted in the 10 June 1959 memorandum to you from the Chief, Contract Personnel Division, and the information received from the Department of State on current practice, we see no legal objection to the payment of separation allowances under the circumstances outlined.

S/ Lawrence R. Houston

LAWRENCE R. HOUSTON
General Counsel

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MEMORANDUM FOR: Deputy Director (Support)

SUBJECT: Financial Hardships in Maternity Cases at Posts Where Inadequate Medical Facilities Exist

- REFERENCE: (a) Memorandum for Deputy Director (Support) from Chief, Medical Staff, Subject: Medical Separation Allowance, dated 18 December 1958
- (b) Memorandum for Deputy Director (Support) from Chief, NSA, Subject: Financial Assistance for Medical Cases in Emergency Areas (with attachments), dated 15 December 1958
- (c) Memorandum to Director of Central Intelligence from Chief, NS, Subject: Medical Separation Allowance, dated 16 December 1958
- (d) Memorandum for Chief, Medical Staff from Deputy Chief, Medical Staff, Subject: Stations and Cases During Inadequate Medical Facilities, dated 16 January 1959

1. This memorandum contains recommendations submitted for DD/S approval. Such recommendations are contained in paragraph 10.

2. References (a), (b), and (c) recite certain financial hardships encountered by Agency employees in areas of the world where inadequate medical facilities exist, thereby requiring patients to travel from the employee's area of assignment to another area where suitable hospital facilities exist. Various solutions to alleviate these hardships were also presented in these references. Reference (d) indicates the stations and cases concerned.

3. These financial hardships arise, as a rule, only in maternity cases since our overseas hospitalization and medical travel program provides substantial coverage for conditions, other than maternity, which require hospitalization. Maternity cases, however, including both hospitalization and travel expenses, are specifically excluded from our overseas program. This memorandum, therefore, is concerned with those financial hardships experienced by employees at posts where adequate facilities for maternity cases do not exist.

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4. The types of expenses which are identified in references as warranting Agency consideration for reimbursement include the following:

- a. Travel expenses of the patient and an attendant, where medically required, from the post to the evacuation city and return travel to the post;
- b. Living expenses in the evacuation city while the patient is awaiting admission to the hospital;
- c. Expenses for care of minor dependents remaining at the post;
- d. Hospital and doctor expenses;
- e. The patient's living expenses in the evacuation city after discharge from the hospital during a period of recuperation;
- f. Possible second trip from the post to evacuation city for attendant to accompany the patient back to the post.

5. It is our opinion that serious consideration should not and perhaps legally, cannot be given to any proposal for reimbursement of the full range of expenses listed above. We feel very strongly that consideration should only be given to the possibility of reimbursement of such expenses as:

- a. Are clearly and unreasonably beyond the normal range of personal expense encountered in maternity cases under average conditions in the U.S. or abroad;
- b. Are not specifically prohibited or denied other government employees by statute or established interpretation thereof;
- c. Are excessive to those intended to be provided for in Government overseas allowances and salary differentials.

6. Using these criteria we find that transportation expenses to a point where adequate medical facilities for maternity cases are available appears to qualify in principle for reimbursement. However, it is our positive understanding that it was the intent of Congress to exclude such travel from the Government dependents medical benefits program. It appears to us, however, that a perfectly acceptable remedy is already at hand. It is our understanding that a Rest and Recreation travel program has been authorized by CIA for hardship posts and we believe that any post lacking medical facilities adequate for childbirth should qualify as a hardship post. The normal date for child delivery can be anticipated many months in advance. Accordingly, it is pointed out that any employee can conserve his authorized R&R travel, if he so desires, to protect himself against the heavy expenses of maternity travel.

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7. The proposal that the Agency finance the cost of two round trips to the evacuation city in order that the employee may escort his wife and child back to the post does not appear to warrant consideration. Travel will be performed by air and the provision of an escort for the return trip of the mother and child does not appear medically necessary. The expense is clearly avoidable but if the employee chooses to accompany his wife and child on the return trip the cost should rest with him.

8. A second category of expenses also appears to qualify for reimbursement. These are the patient's living expenses in the evacuation city prior to entrance and after discharge from the hospital. The period of separation will probably range from six weeks to three months. Airline rules normally preclude travel within several weeks of anticipated delivery and return travel should not be medically attempted until the mother and child are clearly in condition to do so. Our proposed solution, therefore, to the additional living expenses the employee will incur by reason of maintaining his family at two separate points is to authorize a separation allowance. The payment of a separation allowance under conditions of maternity separation necessitated by the lack of adequate medical facilities at the post of duty appears to be in consonance with the statutory concept that separation is warranted at posts which are "notably unhealthy". In this case we will merely be extending the general concept of "notably unhealthy" conditions to a specific factual condition, i.e., childbirth at a post lacking adequate medical care is distinctly unhealthy, indeed dangerous, to the individual.

9. With respect to the other expenses for which consideration is requested, we recommend that no relief be granted. The Agency offers an adequate insurance plan with respect to hospitalization and medical expenses. Possible additional expenses for the care of other minor dependents remaining at the post during the extended absence of the mother are too problematical and personal to the individual to warrant official consideration. This position is particularly valid in recognition of the post differential payable to employees stationed at hardship posts.

10. The following recommendations are made:

a. That the Chief, Medical Staff maintain a current list of stations throughout the world where adequate Government or indigenous facilities for child delivery do not exist;

b. That an SMP program be authorized for each such post (if such has not already been done) and that employees anticipating family increases be cautioned and authorized to combine the maternity evacuation with their SMP travel;

c. That the standard separation allowance be granted from the time of the employee's departure from the evacuation city until the patient's departure from the evacuation city, including the period of her hospital confinement;

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